

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James F. Loomis, being duly sworn, state as follows:

Introduction and Agent Background

1. I am a Border Patrol Agent (BPA) Intelligence (Intel) [BPA-I] with the United States Border Patrol, a component of the Department of Homeland Security (DHS), assigned to the USBP Swanton Sector. I have been employed as a BPA since August 2011. I am currently assigned as a BPA-I and have been so since May 2019. My current duty station is at the Richford Station in Richford, Vermont. I received formal training to identify and investigate alien smuggling and narcotics smuggling activities both at the United States Border Patrol Academy in Artesia, New Mexico from August 2011 to January 2012 and also through regular and recurring on-the-job training and course certifications. In my experience investigating many human-smuggling cases, I have found that electronic devices such as cellular phones were commonly used to facilitate smuggling events in multiple ways, such as coordinating transportation, guiding the migrants when they illegally enter the country and look for the pick-up location, tracking the migrants' and drivers' positions, and sending verbal and/or non-verbal communications over Wi-Fi and/or telecommunications networks. I am aware that individuals working together to commit immigration crimes often use their cellular phones to contact one another before and during the smuggling event, to research related topics, to navigate while driving, and to coordinate meeting locations. These tasks are frequently necessary in the Swanton Sector generally, and the Richford Station Area of Responsibility (AOR) specifically, because the remote and rural nature of the AOR makes it difficult to arrange meetings at precise times and to navigate to locations unlikely to appear on printed maps.

2. This affidavit is offered in support of an application for a criminal complaint. I believe the information described below establishes probable cause that from at least May 22, 2023, to the present, in the District of Vermont, Jhon Alexander Reina-Perez (“REINA”), a citizen of Colombia, engaged in a conspiracy with people located both in the United States and Canada to smuggle individuals from Canada into United States and transport them in furtherance of their illegal entry while knowing or recklessly disregarding the fact that they were aliens who had illegally entered the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(v).

3. I have not set forth all facts I know from my investigation into this matter. Rather, I have only included those facts I believe establish probable cause that the defendants committed the described offenses. I am familiar with the facts and circumstances described below from my own investigation and from my discussions with other agents involved in the investigation. Unless otherwise specified, the statements described herein are related in sum and substance and are not intended as direct quotations.

Probable Cause

4. In July 2023, I received data pursuant to an Order authorizing the receipt of Pen Register and Trap-and-Trace (PRTT) data for WhatsApp accounts tied to an active Human Smuggling Organization (HSO).¹ While reviewing the PRTT data, I noticed that a phone number ending in -9574 (“REINA Telephone”)² was the top contact for Simon Jacinto-Ramos (“JACINTO”), who has been indicted on human-smuggling violations in District of Vermont

¹ The Order, issued under case number 2:23-mc-36, was sealed to protect an ongoing investigation. While the full numbers and IP addresses to which I refer herein are known to myself and other agents, because the PRTT orders will likely remain under seal after this complaint is made public, I am only including partial identifying information in this affidavit.

² I refer to it as the REINA Telephone based upon my later identification of its apparent user, as described in detail below.

case number 2:23-cr-67. Further review also revealed that the REINA Telephone had previously been in contact with Victor Lopez-Padilla, JACINTO's codefendant in the human-smuggling case, during two known smuggling events that were part of the conspiracy and that occurred near Franklin, Vermont on May 22 and June 8, 2023. Internet Protocol (IP) addresses provided in the PRTT data also showed the REINA Telephone was being used inside the United States and likely in the greater New York City or New Jersey area.

5. Through the use of an open-source internet search service that I have previously used to determine which cellular service provider is associated with a particular cellphone and that I have found to be reliable, I determined that the REINA Telephone was likely using T-Mobile as its service provider. A subpoena was sent to T-Mobile requesting subscriber information for the REINA Telephone, but T-Mobile responded indicating that no subscriber information was available for that number; however, T-Mobile did provide call detail records showing that the REINA Telephone was active on its network.

6. To further our investigation of the REINA Telephone and attempt to identify its user, subpoenas were issued to money transfer services Ria Financial, MoneyGram, and Western Union for any records linked to the REINA Telephone by its phone number. I know that human smugglers often use these services to send and receive money connected to their smuggling operations. All three services returned data indicating that the REINA Telephone had been used by Jhon Reina-Perez (REINA) to either send or receive money. Most of the transactions indicate that REINA also used an address in Elizabeth, New Jersey when using these services. Investigators sent updated subpoenas to the services, and the returned data indicated REINA had continued to provide the REINA Telephone number as recently as August 2023 to send or receive money via the services.

7. One of the transactions I reviewed from Western Union showed REINA sending JACINTO \$786 (U.S. dollars) in April 2023. Another transaction provided by Ria Financial shows REINA sending Paola Andrea Satizabal-Cortes \$1463 (U.S. dollars) in May 2023, and investigators have tentatively identified Satizabal is the wife of JACINTO based on cooperating witness statements and corroboration from open-source Facebook data.

8. I searched REINA's name and date of birth provided in the subpoena returns in DHS databases, and received records showing that REINA is a Colombian citizen who has been previously apprehended by the USBP while illegally entering the United States on two separate occasions. In April 2022, REINA was arrested near El Paso, Texas after illegally crossing the border from Mexico. REINA was released from immigration custody and allowed to stay in the United States pending immigration proceedings following that incident. A condition of REINA's release was to check in to an Immigration and Customs Enforcement (ICE) Office, but he failed to check in with ICE following his release. In October 2022, REINA was encountered near Swanton, Vermont after illegally crossing into the United States from Canada with five other subjects. I have reviewed reports from the USBP agents who conducted surveillance and apprehended REINA during that event, and they indicated they believed REINA was acting as a foot guide to the five subjects with whom he entered. During the encounter, the group fled, and only three of the six people, including REINA, were apprehended by agents. When interviewed by agents following that apprehension, REINA claimed that he intended to live in the state of Washington. REINA was again released from custody after that arrest, and he again failed to check in with ICE as required as a condition of his release.

9. As part of the present investigation, the United States District Court for the District of Vermont authorized the receipt of PRTT data the WhatsApp account using the REINA

Telephone number under the same case number described above. On July 20, 2023, USBP and Homeland Security Investigations (HSI) began receiving the requested data from WhatsApp for the REINA Telephone.

10. On July 26, 2023, Border Patrol Agent Stephen Holbrook, who is assigned to the Richford Station, was patrolling the international boundary near the town of Franklin, Vermont. Agent Holbrook encountered a vehicle with New Jersey license plates that was later determined, after a vehicle stop, to be operated by Jose Juarez, a citizen of Honduras currently living in Elizabeth, New Jersey who did not have legal status in the United States. Juarez was found to have just picked up three subjects (two Mexican citizens and one Guatemalan citizen) who had just crossed the border illegally from Canada into the town of Franklin.³ Juarez and the three migrants were all transported to the Richford Border Patrol Station for further investigation. All four subjects agreed to waive their *Miranda* rights and be interviewed without an attorney present, and each also gave consent to have their cell phones searched.

11. Upon agents' review of those phones, I learned that each of the three migrants who had crossed the border illegally had phone numbers I know to be used by JACINTO in their phones. Further, two of the subjects were able to identify JACINTO from an unmarked photograph as the individual with whom they had arranged their smuggling into the United States, and they stated they knew him as "Simon." All three subjects claimed to have paid the Canadian organizer (whom I believe to be JACINTO) between \$2000-3000 (Canadian dollars) to be smuggled into the United States. Each of the subjects understood they would be required to

³ Jose Juarez was thereafter charged by a criminal complaint with having transported aliens in furtherance of their illegal entry in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) under District of Vermont case number 2:23-mj-00091. The case remains pending.

make an additional payment to an organizer in the United States once they were successfully transported to a planned location within the United States.

12. During Juarez's interview, he stated that a man named "Jose" asked him to make the trip to Vermont to pick people up and transport them back to New Jersey. Juarez showed agents the contact in his cell phone that he used to communicate with "Jose." The contact number he showed was the REINA Telephone number. Juarez identified "Jose" as REINA via an unmarked photograph.

13. I reviewed the PRTT data following that encounter, and I confirmed that each of the three phones seized from the smuggled migrants had been in contact with a number I have previously associated with indicted defendant JACINTO. Further, one of the smuggled migrant's phones had been contacted by the REINA Telephone on August 2, 2023—after the migrant's arrest. A cell phone seized from Juarez during that event had been in contact with the REINA Telephone on multiple occasions between July 20 and July 26, 2023. The contacts include approximately 67 WhatsApp messages and 8 calls between July 25 and 26, 2023, during the travel for the smuggling event.

14. As part of this overall investigation, on August 17, 2023, BPA David Palczewski applied for and was granted a Cell Site Location Information (CSLI) search warrant for the phone number assigned to the device seized from Juarez on July 26, 2023 (908-764-9573).⁴ The data received following the execution of that warrant revealed that Juarez's device had connected to cell phone towers near Franklin, Vermont at least four times prior to the July 26, 2023, apprehension—on June 14-15, June 21-22, July 3-4, and July 14-15, 2023. During all but one of

⁴ The application and resulting search warrant were docketed under the same case number as the Juarez complaint, District of Vermont case number 2:23-mj-00091.

those events, call detail records included with the data indicated Juarez was in contact with the REINA Telephone while in close proximity to the international boundary. Based on my experience investigating human-smuggling events, I believe these data suggest at least four previously undetected human-smuggling events may have occurred where Juarez drove to the international border to pick up subjects who had just illegally crossed into the United States from Canada. I further believe the data show Juarez was likely being directed by REINA during most of those events.

15. After the Juarez smuggling event on July 26, 2023, I continued to monitor the REINA Telephone PRTT data. Based on my training and experience, I know that after a human-smuggling coordinator has a driver intercepted by USBP, that coordinator often begins the process of recruiting a new driver to come to the border to provide transportation for future smuggling events. A part of the data provided by WhatsApp in response to the PRTT search warrant is the IP address from the originating number for message communications. Law enforcement analytical tools can then provide an estimate (usually the nearest metropolitan area) of the location of the IP address. In my experience monitoring PRTT data during human-smuggling investigations near Franklin, Vermont, the IP addresses for an involved device often resolve back to Syracuse, New York or Boston, Massachusetts when the device is traveling to or from the international border in Vermont. On August 2, 2023, I noticed a phone number ending in -1463 had just recently started communicating with the REINA Telephone and that the -1463 number showed an IP address that resolved back to Syracuse, New York. According to the PRTT data, the -1463 number (hereinafter, the Rivera Telephone)⁵ had just started

⁵ I refer to it as the Rivera Telephone based upon my later identification of its apparent user, as described in detail below.

communicating with the REINA Telephone on or about July 29, 2023. The Rivera Telephone IP addresses had previously resolved to the New York City area. Research on open-source and proprietary data, including the Accurant database, regarding the Rivera Telephone revealed that the likely user was Moises Rivera-Membreno of Elizabeth, New Jersey. I requested federal law enforcement partners in New Jersey to drive by Rivera's listed residence in Elizabeth, New Jersey to look for any vehicles registered to Rivera. Law enforcement officers were able to locate a white Honda CR-V (New Jersey license plate G29 PEZ) that was registered to Rivera parked outside his listed residence on Bond Street in Elizabeth, New Jersey on or about August 14, 2023.

16. I continued to monitor the REINA Telephone PRTT data for anything indicative of potential human-smuggling events. On August 11-12, 2023, the Rivera Telephone IP addresses again began resolving to Syracuse and Boston. I searched license-plate-reader (LPR) databases in New York for the Honda CR-V registered to Rivera. My search revealed the following LPR captures of Rivera's license plate:

- a. 8/11/2023, 4:59 p.m., I-87 Northbound, New Windsor, NY;
- b. 8/11/2023, 5:38 p.m., I-87 Northbound, Saugerties, NY;
- c. 8/11/2023, 7:28 p.m., U.S. Route 4 Northbound, Fort Ann, NY; and
- d. 8/12/2023, 2:39 p.m., I-87 Southbound, New Windsor, NY.

Neither Rivera nor his vehicle were encountered during that trip. Nevertheless, I know from my experience that short-term, round-trip events like the one indicated by the LPR data on those dates often correspond with a human-smuggling event in the Vermont area.

17. Based on the investigation to that point, I placed alerts on Rivera and his vehicle in CBP databases, so that I would be alerted if any contact with Rivera or his vehicle occurred. On

August 22, 2023, Patrol Agent in Charge (PAIC) Thomas Woods contacted me and informed me that he had encountered Rivera in a parked rental vehicle in Swanton, Vermont. PAIC Woods further advised that he had encountered the vehicle (a gray Chrysler Pacifica van) following an alert that Richford Station Border Patrol agents had apprehended five subjects near Lake Carmi in Franklin, Vermont. The subjects, who were citizens of Mexico and Guatemala, had just illegally entered the United States from Canada. While BPAs from Richford were roadside with the subjects on Route 120 near Lake Carmi, agents had seen a Chrysler van with a New Jersey license plate drive by. Agents believed—due to the reaction of the smuggled subjects, the time of night, and the speed at which the van was driving—that the was likely the intended pickup vehicle for the five smuggled subjects. Agents were unable to stop the Chrysler van as it passed, but they transmitted the information over service radio to other BPAs in the area. A short time later, PAIC Woods observed a vehicle matching the description parked in Swanton, Vermont, which I know to be a common egress route for smugglers operating in the Franklin area.

18. PAIC Woods approached the parked vehicle and identified himself as a Border Patrol Agent. He identified the driver of the Chrysler van as Moises Rivera-Membreno (Rivera) and its passenger as R.R.M., who had accompanied Rivera on the trip. Based on their admissions, Rivera and R.R.M. are citizens of El Salvador with no status allowing them to be legally present in the United States. Both individuals were transported to the Swanton Border Patrol Station for further processing and investigation.

19. I arrived at the Swanton Station on August 22, 2023, to further investigate this event. I informed Rivera his *Miranda* rights, and he agreed to speak with me without an attorney present. Rivera stated that he had come to the area to pick up people for a man he had met at a laundromat in Elizabeth, New Jersey. Rivera stated that he had made two previous trips to the

area to pick up people as well. Rivera stated that he was asked to make the trips by a man whom he had saved in his cell phone as “Hermano Mayor.” Rivera gave me consent to search his cell phone, which had the assigned phone number ending in -1463 (the Rivera Telephone). The contact he had saved as “Hermano Mayor” had a phone number ending in -9574 (the REINA Telephone). Rivera stated that for his first trip the man (REINA) had paid him \$2000 (US dollars) cash to pick up three people; for his second trip, the man paid him \$2500 (US dollars) cash to pick up four people. During the August 22, 2023, trip, the man was to pay him \$2500 (US dollars) cash as well. Rivera had rented the van to accommodate more people comfortably. During the interview, Rivera identified an unmarked photograph of REINA as the man he met in the laundromat, whose number he had saved as “Hermano Mayor,” and who had paid him cash for the trips. Rivera stated that his companion, R.R.M., was not in communication with the REINA Telephone and was only there to keep him company. While Rivera does not have present legal status in the United States, he has pending immigration proceedings, and he was released from the Swanton Station pending further investigation.

20. After interviewing Rivera, I learned that the five subjects apprehended near Lake Carmi were still in custody at the Richford Border Patrol Station. I went to the Richford Station to interview those subjects. While at the Richford Station, I showed a photograph I had taken of the Chrysler Pacifica driven by Rivera to BPA Danil Deresh, who had been on scene with the smuggled subjects as a van drove by. BPA Deresh confirmed that the photograph matched the van that had driven by the group of smuggled subjects near Lake Carmi.

21. Each of the smuggled subjects at the Richford Station that evening was read their *Miranda* rights and agreed to be interviewed without an attorney present. Four of the subjects gave consent to a search their cell phones. The one subject who did not consent did agree to let

me view his phone for smuggling contacts in his presence. Each of the subjects had phone numbers investigators had previously associated with JACINTO in their cell phones; those numbers are part of the PRTT order. Two of the subjects identified JACINTO via photograph and stated that he was the man whom they paid to smuggle them into the United States. One of the subjects, V.H.A., had the REINA Telephone saved as a contact (labeled "J.J.") in his cell phone. The subjects stated they paid had paid between \$1400-\$3000 (Canadian dollars) in Canada to be smuggled into the United States and expected to pay more once successfully transported within the United States. One subject, W.J.F., had an image of a receipt for a \$1400 payment to Paola Andrea Satizabal Cortes (wife of JACINTO) saved in his cell phone.

22. Further review of the PRTT data revealed that numbers assigned to the phones seized from the smuggled subjects during the August 22, 2023, event were all were in contact with numbers associated to JACINTO. Further, the number assigned to smuggled migrant V.H.A. had been in contact with the REINA Telephone 111 times.

23. On September 7, 2023, law enforcement officials in New Jersey located a vehicle with Quebec license plate G97 ZNZ located at 713 McKinley Street in Elizabeth, New Jersey. A query of Quebec's registration database revealed the vehicle is registered to Jhon Alexander Reina Perez of Drummondville, Quebec (REINA). According to DHS databases, the vehicle was driven into the United States by Y.E.E. through a Derby Line, Vermont Port of Entry on October 30, 2022, just two days after REINA illegally entered near Swanton, Vermont. DHS records indicate Y.E.E. then flew back to Canada from Newark, New Jersey via a commercial airplane on November 3, 2022. On September 11, 2023, at approximately 6:20 a.m., law enforcement officials in New Jersey conducted surveillance of the vehicle and the 713 McKinley

Street address. They witnessed REINA leave 713 McKinley Street residence and enter the Quebec plated vehicle.

Conclusion and Request

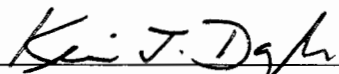
24. Based on the foregoing, I submit there is probable cause to believe that from at least May 22, 2023, to the present, in the District of Vermont and elsewhere, Jhon Alexander Reina-Perez ("REINA"), a citizen of Colombia, engaged in a conspiracy with people located both in the United States and Canada to smuggle individuals from Canada into United States and transport them in furtherance of their illegal entry while knowing or recklessly disregarding the fact that they were aliens who had illegally entered the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(v). I respectfully request the Court issue a Criminal Complaint charging him accordingly and a warrant for his arrest.

Dated at Burlington, in the District of Vermont, this 15th day of September 2023.

Attested to by reliable electronic means

James F. Loomis
Border Patrol Agent (Intelligence)
U.S. Border Patrol

Attested to by the complainant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Facetime video call on this 15th day of September 2023.


HON. KEVIN J. DOYLE Magistrate Judge
United States District Court
District of Vermont